**HON'BLE SRI JUSTICE GODA RAGHURAM**

**W.P.NO. 3519 OF 2006**

**DATED: 2.3.2006**

Between:

Sri Renuka Yellamma Devi Temple

… Petitioner

and

The Government of Andhra Pradesh

Represented by its Asst. Commissioner of

Endowments, Nalgonda, Nalgonda District

… Respondent

**HON'BLE SRI JUSTICE GODA RAGHURAM**

**W.P.NO.3519 OF 2006**

**ORAL ORDER:**

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Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments.

The petitioner assails a notice dated 12.1.2006 issued by the respondent-Assistant Commissioner of Endowments Department, Nalgonda, calling for applications from eligible and interested persons for consideration for appointment as Trustees of Sri Renuka Yellamma Devi Temple, Anantharam village, Bhongir Mandal. The petitioner is described as Sri Renuka Yellamma Devi Temple, represented by its Founder and Managing Trustee Sri Thotakuri Bala Kistaiah.

According to Sri Bala Kistaiah, the deponent of the writ petition, the petitioner-Temple is purely a private temple managed by the petitioner who is the Founder Member. The petitioner claims to have founded the temple with his own funds without any charities from the general public or the State of Andhra Pradesh. According to the deponent of the writ petition, he found the Idol of the Deity in 1994 in the land belonging to one Sathi Reddy in Sy.No.131 of Ananthram village and after obtaining permission and consent from the owners of the land, in about 200 square yards he developed the temple. It is claimed that the temple is purely a private temple and not a public religious institution.

In the year 2003, the respondent issued an order appointing one R. Venkatesham as a Person in Management of the temple. This was challenged by the petitioner in W.P.No.6050 of 2003. The writ petition was admitted and by the interim order dated 7.4.2003 this court directed that R. Venkatesham shall only assist the founder and Managing Trustee of the petitioner-Temple but shall not interfere or meddle with the day to day administration of the Temple. It was further directed that the Founder Trustee shall maintain the accounts of the temple regularly.

Thereafter in Rc.No.J3/6192/2004 dated 17.7.2004, the Commissioner,

Endowments Department issued orders, in response to a report of the Assistant Commissioner, Endowments, Nalgonda, dated 10.5.2004 directing publication of the petitioner-Temple under Section 6 © (ii), of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act'). The petitioner assailed this notification in W.P.No.19548 of 2005. In this writ petition, no interim orders interdicting the Commissioner's notification dated 17.7.2004 notifying the petitioner-Temple as a religious institution under Section 6 © (ii) of the Act, were passed, by this court.

As on date, the Temple is a religious institution, notified as a Section 6 © (ii) Temple and therefore subject to the regulatory regime of the Act. The petitioner's claim to being the Founder of the Temple is thus a mere claim, without an order of recognition under the provisions of the Act. The deponent of the writ petition cannot therefore represent or litigate in the name of Sri Renuka Yellamma Devi Temple. He may of course be entitled to litigate in his own name. The petitioner-Temple, having been notified as a Section 6 © (ii) Temple cannot be represented by the deponent of the writ petition (claiming to be the Founder Trustee), without his recognition as such, under the provisions of Section 87 (h) of the Act.

The impugned notice issued by the respondent suffers from no infirmity *per se*, as the notification of the petitioner-Temple as a Section 6 © (ii) religious institution continues to be operative so long as the said notification is not suspended and admittedly it has not been, either in W.P.NO.19548 of 2005 filed challenging the said notification or in any other proceedings. The respondent has the power, authority and jurisdiction to proceed to invite applications for appointment of Trustees for the religious institution under the provisions of the Act.

For the aforesaid reasons and the analysis above, the writ petition by the petitioner-Temple, represented by Sri Thotakuri Bala Kistaiah, describing himself as the Founder and Managing Trustee, is not maintainable. On merits too, the

impugned notice issued by the respondent suffers from no infirmity.

The writ petition is accordingly dismissed at the stage of admission. No order as to costs.

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**GODA RAGHURAM, J**

**Date: 2.3.2006**

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